

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 19, 2018
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at 101 City Hall Plaza with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Vernetta Alston, Javiera Caballero, DeDreana Freeman and Charlie Reece. Excused Absence: Mark-Anthony Middleton.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk Diana Schreiber and Sr. Executive Assistant LaVerne Brooks.

Mayor Schewel called the meeting to order; welcomed all in attendance and called for a moment of silent meditation.

The Pledge of Allegiance was led by Council Member Reece.

Council Member Reece acknowledged his colleague, Council Member Middleton, was not in attendance due to a travel delay and requested an excused absence.

MOTION by Council Member Reece, seconded by Mayor Pro-Tempore Johnson, to excuse Council Member Middleton from the March 19, 2018 meeting was approved at 7:02 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

[CEREMONIAL ITEMS]

Mayor Schewel read into the record the Neighborhood Spotlight Award for March 2018 for Durham resident, Constance Wright from the Red Maple Park Community and thanked her for her work in her community.

Ms. Wright thanked everyone for the recognition and for coming out and supporting their neighborhood events.

Council Member Caballero read into the record the proclamation acknowledging March 25, 2018 as “National Crop Hunger Walk Day” and presented it to the Coordinator of the Durham CROP Hunger Walk Kaaren Johanson.

Ms. Johanson acknowledged that the Durham Crop Walk was the second largest Crop Walk in the country for the last two years; theme of walk was peace, love and respect for everyone; walk this year was dedicated to Chuck Davis, announced that the t-Shirts were designed by a NCCU art student and the fundraising target was \$200,000. Ms. Johanson thanked and invited everyone to come out for the walk on March 25th.

Mayor Schewel read into the record the proclamation memorializing Dr. Dorothy Irene Height and proclaimed March 24, 2018 as “Dr. Dorothy Irene Height Day” to honor and commemorate her 106th birthday, in memory of her humility, grace, brilliance, dedication and passion for women, especially, those of the African descent, their families and communities.

Joyce Scarborough, President of Durham Section of National Council of Negro Women, received the proclamation and thanked Mayor Schewel for acknowledging and honoring the late Dr. Height and invited everyone to come out to their events and meetings. Ms. Scarborough acknowledged the former Mayor Pro-tempore and Vice-President Cora Cole Mc-Fadden; and thanked all in attendance at the meeting for their support.

[PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]

City Manager Bonfield stated that Agenda Item Number 14, 2017 Fourth Quarter/Annual Crime Report Presentation is deferred to the April 2, 2018 Council Meeting.

City Attorney Baker and City Clerk Schreiber stated that they had no priority items.

[CONSENT AGENDA]

Mayor Schewel explained to the public that the Consent Agenda were items which have been previously approved at a Work Session and could be approved again at the meeting by a single vote of the Council and items can be removed from the Consent Agenda by any council member or the public; and then proceeded to read the Consent Agenda items into the record - no items were pulled from the Consent Agenda.

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to approve the Consent Agenda was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to approve the City Council Minutes for the following meeting dates: December 18, 2017; January 2, 2018; January 4, 2018 (Work Session); January 4, 2018 (Special) and January 10, 2018 (Special) was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

**SUBJECT: FY 2016-2018 EMERGENCY SOLUTIONS GRANT AND CITY
GENERAL FUNDS HOUSING FOR NEW HOPE, INC. SUBRECIPIENT
CONTRACT RAPID RE-HOUSING PROJECT**

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to authorize the expenditure of \$59,223.00 in Emergency Solutions Grant funds and \$200,000.00 in City Dedicated Housing Funds; and

To authorize the City Manager to execute a contract with Housing for New Hope, Inc. in the amount of \$259,223.00 to rapidly rehouse households experiencing homelessness in Durham was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

SUBJECT: FY2017-18 SECOND QUARTER FINANCIAL REPORT

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to receive the FY2017-18 Second Quarter Financial Report was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

**SUBJECT: RESOLUTION AUTHORIZING THE NEGOTIATION OF AN
INSTALLMENT FINANCE CONTRACT AND PROVIDING FOR
CERTAIN OTHER RELATED MATTERS**

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to adopt a Resolution making certain findings of fact and calling a public hearing, related to the proposed issuance of not to exceed \$150,000,000 Tax-Exempt Limited Obligation Bonds of the City of Durham, North Carolina and authorizing a Deed of Partial release upon conclusion of the financing in order to remove certain properties that are no longer needed in the collateral package was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

RESOLUTION # 10079

**SUBJECT: DONATION FROM DURHAM ARTS COUNCIL OF TWELVE ART WRAP
BANNERS FOR CORCORAN GARAGE**

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to execute a contract with the Durham Arts Council, Inc. accepting the donation and installation of twelve art wrap banners and accompanying

hardware package was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

SUBJECT: CONTRACT WITH PUBLIC GROUND STUDIO, LLC FOR PUBLIC ART AT DOWNTOWN MIXED-USED PARKING AT DOWNTOWN MIXED-USE PARKING GARAGE

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to execute a contract with Public Ground Studio LLC to design, fabricate, and install public art at the new Downtown Mixed-Use Parking Garage in an amount not to exceed \$100,000.00 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

SUBJECT: PROPOSED CONVEYANCE OF VARIOUS PROPERTY INTERESTS TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE DIAL CREEK BRIDGE REPLACEMENT PROJECT

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to authorize, pursuant to NCGS 160A-274, conveying to the North Carolina Department of Transportation a) 1.122 acres on 2710 Bahama Road for a temporary construction easement and fee simple right-of-way; and b) .065 acres on 2802 Bahama Road for a temporary construction easement, with total payment for the property interests of \$14,650.00;

To authorize the City Manager to convey the City-owned property interests by special warranty deed for the sale of property and by easement deed for temporary easements; and

To authorize depositing the proceeds into the Department of Water Management's Miscellaneous Revenues Fund was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

SUBJECT: PROPOSED SALE OF VARIOUS PROPERTY INTERESTS TO BH-AG DURHAM FOSTER, LLC.

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to execute a development agreement with BH-AG Durham Foster, LLC for a retail and residential apartment building adjacent to Durham Central Park (parcel #104848), with said development agreement containing provisions for BH-

AG Durham Foster, LLC to acquire the following property interests located on portions of the park for a total purchase price of \$150,000.00: a) a non-exclusive 15 foot-wide fire separation easement; b) a non-exclusive footings encroachment easement that is no more than 6 feet wide; c) two non-exclusive temporary construction easements of varying dimensions; d) an easement to permit the construction and maintenance of stairs connecting the proposed building and the park; and e) a 20 foot-wide cross-access easement;

To authorize the allocation of funds as enumerated in the Financial Impact section;

To authorize the City Attorney to draft and approve the language for an easement agreement consistent with the development agreement;

To advertise for upset bids pursuant to the procedure set forth in N.C.G.S. 160A-269;

To authorize the City Manager, pursuant to 86.3 of the City Charter, to accept the bid from the highest qualifying bidder at the conclusion of the upset bid procedure; and

To authorize the City Manager to sell and to convey the property interests by non-warranty deed, pursuant to the terms of the development agreement was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

SUBJECT: AGREEMENT WITH CENTER FOR DOCUMENTARY STUDIES TO FUND THE FULL FRAME DOCUMENTARY FILM

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to execute a contract with the Center for Documentary Studies to fund FY2017-2018 Full Frame Documentary Film Festival in an amount not to exceed \$65,000.00 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

SUBJECT: AGREEMENT WITH AMERICAN DANCE FESTIVAL, INC. TO FUND THE CULTURAL ARTS PROGRAMS

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to execute a contract with the American Dance Festival, Inc. in an amount not to exceed \$50,000.00 to fund cultural arts programs was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

**SUBJECT: REIMBURSEMENT AGREEMENT WITH LENNAR CAROLINAS, LLC
(COPLEY FARM SEWER OUTFALL)**

MOTION by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to enter into a reimbursement agreement with Lennar Carolinas, LLC for construction of the Copley Farm Sewer Outfall and abandonment of Frazier Forest Pump Station was approved at 7:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

SUBJECT: PUBLIC HEARING ON FY2018-19 BUDGET AND FY2019-24 CAPITAL IMPROVEMENT PLAN (CIP)

Bertha Johnson, Director of Budget and Management Services, introduced the item and offered to answer Council's questions.

Mayor Schewel opened the public hearing and stated there were speakers to the item.

Daryl Brunson, representing Durham City Workers Union, UE #150 and Equipment Operator in the Solid Waste Department, spoke of the 50th anniversary of the Memphis sanitation strike of March 1968; honored the workers and Dr. Martin Luther King, Jr. who responded; as a result of ongoing discussions with workers all across the City they submitted to Council their FY 2018-19 Budget; expressed concerns about the consistent rise of health-care costs, the cost of living, stagnated wage increases, favoritism and current grievance procedures; requested a continued relationship with the Council; and encouraged there to be more appreciation for frontline employees, not just upper management.

Romey Gaddy, representing Durham City Workers Union, UE #150 and works in the Water Management Department, spoke in support of replacing outdated equipment.

Donald Quick, representing Durham City Workers Union, UE #150 and a Steward in the Public Works Department, asked Council to consider providing a \$2,500 raise across the board for all Public Works employees and to include all workers, part-time and temporary, be included in the \$15/hour pay schedule this year. Mr. Quick encouraged Council to realize that Public Works, Water and Sewer employees were the real first responders.

Monica Byrne of 2108 E. Main Street, full time novelist, playwright and activists spoke about Durham becoming an unaffordable place to live and make work for her and all the other independent artists as well as other citizens in Durham.

Ms. Byrne asked the council to consider 1) all private/public sectors, including City of Durham, to treat artists as workers; 2) all kinds of art should be recognized and compensated, not just a few; 3) the City's arts funding overwhelmingly prioritized institutional and corporate art at the expense of independent artist in Durham; 4) commitments to institutional/corporate art must be balanced by an equal commitment to the independent artists who make Durham a place where people love to live.

In order for the Council to start making meaningful change, Ms. Byrne asked for three things: 1) treat individual artists and small arts organizations as businesses and offer them the same access to capital and low interest loans as any other business; 2) set an example by providing compensation for all artists hired by the City, at least at a living wage or hire artists as consultants at professional wages; 3) do not confuse funding the Durham Arts Council with funding artists because the leadership and the Board of the Durham Arts Council failed to meet the needs of independent artists in Durham.

Ashley Melzer of 1302 Valley Run, filmmaker, writer, photographer and comedian, who makes her money mainly in Durham as a working artist, stated that no one in her organization made even a part-time wage off of their work; suggested that if arts were something that everyone could participate in and by making art and making it easier, perhaps the Gross National Product could be raised in the City of Durham.

Monet Marshall of 1808 Vale Street, artist and creative consultant asked the Council to consider that the arts Community is not just those who can afford a gallery downtown or those who know how to work the system and get a public arts grant; but there are also those who are working out of their homes and are creating art and putting it on the internet which makes them also a part of what makes Durham a great place to live. She asked the Council to consider them as they plan the budget.

Council Member Reece informed the speakers that the Durham Public Arts Committee was accepting applications for the next three weeks for members to serve and explained the purpose of the advisory board to the City Council and City Manager; indicated the board worked with the Office of Economic and Workforce Development on matters relating to public art and reviewed proposals for projects submitted from the City administration and made recommendations to the Durham Cultural Advisory Board regarding project approvals. He explained that this is one of the places where the kinds of decisions discussed are made and encouraged the speakers to check out the volunteer opportunities.

Aaron Bryant of 410 N. Maple Street, member of Black Youth Project 100 which is an organization here in the City of Durham and across the country committed to radical freedom for all black people and spoke in support of the advance of participatory budgeting for the City of Durham and gave 3 reasons why: 1) democracy is justice – we have to have faith in the people; 2) money is a particular way that society can be organized and put people at the front of the program and Durham can depend on the people and 3) participatory budgeting is an example of courage in the face of fear.

Scott Barish of 614 Ashford Lane, spoke in support of funding participatory budgeting in Durham at the level of \$2.5 million dollars with \$250,000 for implementation and stated that by committing enough funds, values will be lived out of expanding democracy and making Durham a more equitable city.

Danielle Purifoy of 1505 Duke University Road, spoke on behalf of Durham Beyond Policing, a campaign based on building an alternative public safety system for Durham and spoke specifically about the public safety budget; the public police budget was increased by 4.3% or \$2.6 million dollars last year; campaign suggested ways to redistribute the funding in various ways by allocating \$370,000 for restored justice programs in schools which have been defunded in recent months, \$680,000 to support jail diversion programs, \$225,000 to support emergency responders besides police including people who can help with mental health crises better than police could, \$600,000 dollars to support a small pilot program for universal basic income as had been piloted in Stockton, California, \$600,000 to further support the rehabilitation of housing and other housing related programs; and \$200,000 to support a youth workforce.

Marie Hill Faison, of 1203 S. Alston, representing Teamsters Local #391, works for DATA ACCESS – Paratransit Service, spoke in support of the proposed budget increase.

Being no additional speakers to the item, Mayor Schewel declared the public hearing closed.

Budget Director Bertha Johnson stated that the City Manager will present the proposed budget on Monday, May 21, 2018; public hearing on final proposed budget will be held on Monday, June 4, 2018 and Council will adopt the final budget on Monday, June 18, 2018.

SUBJECT: REVISIONS TO DESIGN COMMITMENTS FOR ARRINGTON II

Jamie Sunyak, Senior Planner of City-County Planning Department, stated that a zoning map change and development plan for Arrington II was approved by the City Council on January 3, 2011 (Legacy Case No. Z0900015); the project involved a 95.6 tract of land located east of Page Road, in the southeast portion of Durham, just west of the Wake County boundary. The legacy case called for mixed use zoning with a development plan and stipulated a maximum of 1,550,000.000 square feet of office retail and commercial uses along with over 1,000 residential dwellings; a number of site plans had been approved for that area and construction was underway for the residential development; the applicant, Jonathan Parsons of J. Davis, was requesting some minor revisions to the design commitments – if approved, the changes would allow the developer some flexibility with regard to the materials and the design of non-residential buildings and signs. No changes were being made to the rest of the development plan.

Ms. Sunyak explained that per the Unified Development Ordinance, any revision to the design commitments were considered significant changes and required a new hearing and recommendation from the Durham Planning Commission prior to the case being heard by the City Council; the Commission, at its January 9, 2018 meeting, recommended approval of the proposed by a vote of 10-0.

Staff determined that the requests were consistent with the Comprehensive Plan and applicable policies and ordinances.

There were no questions or comments from the Council at this time.

Mayor Schewel opened the public hearing and stated that there were speakers to the item.

Jonathan Parsons of J. Davis Architects, representing the client as the agent for the property, was present to answer questions and stated that the process was about clarifying the language to allow more flexibility in material replacement.

Being no additional speakers, Mayor Schewel declared the public hearing closed.

MOTION by Council Member Reece, seconded by Council Member Johnson, to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 7:53 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro-Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1700029, ARRINGTON II

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment Z1700029, Arrington II is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable in the Public Interest' sections of the staff report and Attachment 8, 'Consistency with Comprehensive Plan'; dated March 19, 2018, regarding the subject 'Arrington II (case Z1700029)' along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This consolidated item promotes this by offering fair and reasonable development regulations, supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 8, 'Consistency with Comprehensive Plan'; dated March 19, 2018, regarding the subject 'Arrington II (case Z1700029)' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

MOTION by Council Member Reece, seconded by Council Member Johnson, to adopt an Ordinance amending the Unified Development Ordinance by taking property out of the Mixed Use with a Development Plan, Major Transportation Corridor Overlay I-540 (MU(D), MTC I-540) zoning district and establishing the same as Mixed Use with a Development Plan, Major Transportation Corridor Overlay I-540 (MU(D), MTC I-540) for the subject site was approved at 7:53 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro-Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

ORDINANCE #15272

SUBJECT: CONSOLIDATED ITEM FOR PAGE PARK II

Jamie Sunyak, Senior Planner of the City-County Planning Department presented the staff report and stated the request was to amend a previously approved Future Land Use Map Amendment and Zoning Map Change that had been received from Robert Shunk of Stewart Inc.; the application involved the original Page Park Development (P03-20) which was approved by City Council on October 6, 2003; at that time, the tract was zoned for Residential Suburban Multifamily with a development plan with a mix of residential and commercial land uses broken into three areas and a portion of the site included 288 apartments which was currently under construction.

Ms. Sunyak reported that the applicant currently proposed to change a portion of the development, identified as 4801 Crown Parkway, or Tract B on the Development Plan, to Residential Suburban Multifamily with a Development Plan (RS-M(D)) in order to construct 50 townhouses, where the previously approved development plan (P03-20)

permitted 29,100 square feet of retail; applicant was also seeking a Comprehensive Plan Amendment request to change the Future Land Use Map (FLUM) designation from Commercial to Low-Medium Density Residential (A1700007) to correspond with the rezoning request.

The Durham Planning Commission, at its December 12, 2017 meeting, recommended approval of the proposed by a vote of 13-0.

Staff determined that the requests were consistent with Comprehensive Plan and applicable policies and ordinances.

There were no questions or comments from the Council at this time.

Mayor Schewel opened the public hearing and stated there there was a speaker to the item.

Robert Shunk of Stewart Inc. stated that he was present at the meeting to answer any questions.

Council Member Caballero referred to Attachment #9 from the Durham Bicycle & Pedestrian Advisory Commission that was not listed in the staff report and asked if there was any resolution to that request.

Mr. Shunk responded that the two comments spoke to a crosswalk being added at Crown Parkway and that would be included in the site plan and the other request was for a four-foot bike lane. Mr. Shunk explained that when the project was built and constructed in 2006, the standard at the time was to build an outside, 14 foot wide lane and that had been constructed and its customary that if there was no other turn lane built at the time, then they would leave the outside, 14 foot lane that has extra room for a bike lane.

Mayor Schewel asked if the lane was striped and Mr. Shunk responded that the lane was not striped.

Mayor Schewel asked if the lane could be striped.

Bill Judge of the Transportation Department responded that the State would not allow it to be striped unless it was at least four-feet wide.

Mayor Schewel thanked Mr. Shunk for the proffer for Durham Public Schools and asked if there was a decision to name the roads after "King Lear's Daughters" and a response from someone in the audience was "yes".

Mayor Schewel asked about the price point of the townhomes and Mr. Shunk responded that they were priced at \$225,000 and up.

Mayor Schewel recognized that there was no affordable housing included in the project and asked Ms. Latham who previously had talked about bringing ideas about affordable housing to the Council from Lanier and other potential developers and what the timeframe was as to when she would bring those ideas to Council.

Ms. Latham responded that she would be attending a meeting next month with the Council of Governments to talk about some comprehensive policies involving not only the apartment builders in Durham but also financial partners and municipal government partners; in a few months, they would come back with the information.

Being no additional speakers, Mayor Schewel declared the public hearing closed.

MOTION by Council Member Reece, seconded by Mayor Pro-Tempore Johnson to adopt a resolution amending the Future Land Use Map to Low-Medium Density Residential for the subject site was approved at 8:05 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro-Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

RESOLUTION # 10080

MOTION by Council Member Reece, seconded by Mayor Pro-Tempore Johnson to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 8:06 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro-Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1700013, PAGE PARK II

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment Z1700013, Page Park II, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Comprehensive Plan Consistency Analysis'; dated March 19, 2018, regarding the subject 'Page Park II' (Z1700013) along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This consolidated item promotes this by offering a fair and reasonable development regulations, supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Consistency with Comprehensive Plan'; dated March 19, 2018, regarding the subject 'Page Park II' (Z1700013) along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

MOTION by Council Member Reece, seconded by Council Alston, to adopt an Ordinance amending the Unified Development Ordinance by taking property out of the Commercial General with a Development Plan (CG(D)) and Residential Suburban Multifamily with a Development Plan (RS-M(D)) Zoning Districts and establishing the same as Residential Suburban Multifamily with a Development Plan (RS-M(D)) for the subject site was approved at 8:06 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro-Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

ORDINANCE # 15273

SUBJECT: ZONING MAP CHANGE FOR PARK AT SOUTHPOINT II

Jacob Wiggins of the City-County Planning Department stated that the requests for a future land use map amendment and zoning map change had been received from Robert Shunk for nine parcels located on the northern side of 'South Point Auto Park Boulevard., located east of NC-751 and north of I-40; the subject site was designated as Office and Medium Density Residential on the FLUM and is split zoned - Office and Institutional with a Development plan, Residential Suburban-Multifamily with a Development Plan, Commercial General with a Development Plan (OI(D), RS-M(D), CG(D).

Mr. Shunk proposed to change these designations to Commercial and Commercial General with a Development Plan (CG(D), respectively and noted that the key commitments on the development plan associated with the request included: Maximum of 55,000 square feet of commercial floor area – Prohibition on outdoor public address

system within vehicle sales area – Increased project boundary buffer and 70% maximum impervious surfaces.

The Durham Planning Commission, at its January 8, 2018 meeting, recommended approval of the proposed project by a vote of 10-0.

Staff determined that the requests were consistent with Comprehensive Plan and applicable policies and ordinances.

Mayor Schewel opened the public hearing.

Council Member Freeman spoke in regards to the Honda/Crown site landscaping was a lot more in detail and that there was a big difference from the other side on Fayetteville Street at the Hendricks Southpoint site; she questioned as to how it happened that there was such great landscaping in the frontage toward the street and not on the Hendricks Southpoint site side.

Mr. Wiggins responded that the existing Southpoint Autopark Mall was a little over ten-years old so the differences in the ordinances were probably a result of some of those landscaping requirements and it could have been an aesthetic choice by the developer.

Council Member Freeman asked for a listing of changes in the landscaping requirements over the last ten years because it seemed very inequitable how there was so much landscaping on one site and hardly any on the other side.

Mr. Wiggins responded that he would provide that list to Council Member Freeman.

Council Member Reece referenced the proffer mentioned at the Planning Commission meeting.

Mr. Wiggins directed the Council's attention to the Development Plan and to the fourth commitment, stated the proffer was on the development plan and that it was discussed at the hearing; and explained the developer indicated at the hearing that they would make a commitment prior to the item coming before the Council.

City Manager Bonfield asked Mr. Wiggins to read the proffer into the record since the issue was raised.

Mr. Wiggins stated that the commitment was as follows:

"Prior to the issuance of a Certificate of Compliance, the developer shall provide a single row of evergreen trees or evergreen understory trees that will be installed 8 feet on center and installed at a minim height of 6 feet as shown on the Development Plan."

Mayor Schewel stated that there were speakers to the item.

Kenneth Spaulding, representing Auto Park II, stated that his clients were seeking a plan amendment and rezoning of the property from a mixture of uses – office and multi-family to commercial; stated they were seeking to expand their current footprint; however, under the current office and multi-family zoning, the property had remained dormant for over a decade; they have had two neighborhood meetings adjacent to the proposal; stated the proposal lowered traffic and school enrollment and staff had presented their favorable review; and asked for Council's support in allowing the vacant and over-grown property to be put to its best use and consistency, as aforementioned.

George Stanziale of 115 Cofield Circle, thanked Council Member Freeman for bringing up the landscaping treatment and clarified that it was not a result of the ordinances at the time, but it was due to a very significant commitment to install that treatment on the part of the developer.

Council Member Freeman thanked Mr. Stanziale for sharing the information about landscaping; stated that it was important to note that a developer, over ten years ago, made an investment in the community around landscaping and street trees and noted how its paid off for the City.

Being no additional speakers, Mayor Schewel declared the public hearing closed.

MOTION by Council Member Reece, seconded by Council Member Freeman, to adopt a resolution amending the Future Land Use Map to establish Commercial as the site's designation was approved at 8:17 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro-Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

RESOLUTION # 10081

MOTION by Council Member Reece, seconded by Council Member Freeman, to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 8:17 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro-Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1700036, PARK AT SOUTHPOINT II

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment Z1700036, Park at Southpoint II, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Comprehensive Plan Consistency Analysis'; dated March 19, 2018, regarding the subject 'Park at Southpoint II' (Z1700036) along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This consolidated item promotes this by offering a fair and reasonable development regulations, supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Consistency with Comprehensive Plan'; dated March 19, 2018, regarding the subject 'Park at Southpoint II' (Z1700036) along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

MOTION by Council Member Reece, seconded by Council Member Alston, to adopt an Ordinance amending the Unified Development Ordinance by taking property out of the Office and institutional with a Development Plan, Residential Suburban-Multifamily with a Development Plan, Commercial General with a Development Plan (OI(D), RS-M(D), CG(D)) Zoning Districts and establishing the same as Commercial General with a Development Plan (CG(D)) for the subject site was approved at 8:18 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro-Tempore Johnson and Council Members Alston, Caballero, Freeman and Reece. Noes: None. Excused Absence: Mark-Anthony Middleton.

ORDINANCE # 15274

There being no further business to come before Council, the meeting was adjourned at 8:18 p.m.

Laverne V. Brooks
Senior Executive Assistant

Dianalynn Schreiber, CMC,NCCMC
City Clerk